

Application No. 10/709,782
Technology Center 3767
Amendment dated August 24, 2007
Reply to Office Action dated May 25, 2007

RECEIVED
CENTRAL FAX CENTER
AUG 24 2007

REMARKS

In the Office Action, the Examiner reviewed claims 1-12 and 39-70 of the above-identified US Patent Application, with the result that claims 8 and 46 were deemed to recite allowable subject matter, claims 2, 9, 11, 40, and 57 were only rejected under a 35 USC §103 rejection that relied on commonly-assigned U.S. Patent No. 6,932,114 to Sparks as a reference, and the remaining claims were rejected under 35 USC §102 and/or §103. In the present response, Applicants have amended the claims as set forth above. More particularly:

Independent claims 1 and 39 have been amended to incorporate the limitations of their respective dependent claims 2 and 46 (now canceled without prejudice to Applicants). Because the Examiner had concluded that claim 46 (which depends from claim 39) recites allowable subject matter, independent claim 39 and claims depending therefrom are believed to be allowable over the prior art of record.

Dependent claims 8 and 40 have been rewritten in independent form to include all of the limitations of their respective base claims 1 and 39. Because the Examiner had concluded that claim 8 recites allowable subject

Application No. 10/709,782
Technology Center 3767
Amendment dated August 24, 2007
Reply to Office Action dated May 25, 2007

matter, claim 8 is believed to be allowable over the prior art of record.

Finally, dependent claim 65 has been amended to depend from new independent claim 40 instead of its original parent claim 39, in view of the amendments to claim 39 rendering the limitation of claim 65 redundant.

Applicants respectfully believe amended independent claim 1 and new independent claim 40 are also allowable under MPEP 706.02(I).

Sparks et al. was filed prior to, but issued and published after, the priority date of the present application, and therefore qualifies as prior art only under §102(e). §103 rejections based on a §102(e/f/g) reference with a common inventor can be overcome by a showing that the subject matter of the application and the reference were, at the time the invention was made, commonly-owned or subject to an obligation of assignment to the same entity, if the application was pending on or after December 10, 2004 (see MPEP 706.02(I)). In response, the undersigned hereby affirms that Applicants' invention and Sparks et al. were, at the time the invention was made, owned by, or subject to an obligation of assignment to, Integrated Sensing Systems, Inc., as evidenced by the assignment records of the U.S. Patent and Trademark Office. 37 CFR 1.104(a)(5)(i); MPEP 706.02(I)(2)(II).

In view of the above, Applicants respectfully request withdrawal of

Application No. 10/709,782
Technology Center 3767
Amendment dated August 24, 2007
Reply to Office Action dated May 25, 2007

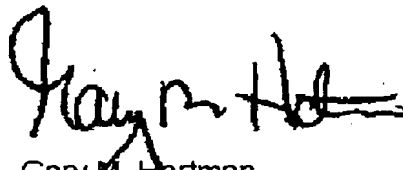
RECEIVED
CENTRAL FAX CENTER
AUG 24 2007

the rejections of claims 1 (and its remaining dependent claims) and 40 under
35 USC §103.

Closing

Should the Examiner have any questions with respect to any matter
now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,



Gary M. Hartman
Reg. No. 38,898

August 24, 2007
Hartman & Hartman, P.C.
Valparaiso, Indiana 46383
TEL.: (219) 462-4999
FAX: (219) 464-1166

Attachment: Fee Transmittal sheet